

REMARKS

I. Introduction

Claims 12 to 25 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Objection to Claims 12 and 22

Claims 12 and 22 were objected to for informalities. While the objection may not be agreed with, to facilitate matters, claims 12 and 22 have been amended herein without prejudice to include the phrase --one of selectively attenuate and selectively amplify--, thereby obviating the present objection. No new matter has been added, and claims 12 and 22 are supported by the Specification. Withdrawal of this objection is therefore respectfully requested.

III. Rejection of Claims 12 to 25 Under 35 U.S.C. § 112, Second Paragraph

Claims 12 to 25 were rejected under 35 U.S.C. § 112, second paragraph, as to the definiteness requirement. It is respectfully submitted that claims 12 to 25 are definite for at least the following reasons.

While the rejection may not be agreed with, to facilitate matters, claim 12 has been amended herein without prejudice to include the phrase --the control unit configured to activate only a transmitter device having a highest weighted signal level--, and claim 22 has been amended herein without prejudice to include the phrase --the controlling means for activating only a transmitting means having a highest weighted signal level--, thereby obviating the present rejection. Support for the amendments to claims 12 and 22 may be found in the Specification, e.g., at page 2, lines 31 to 35; and page 3, lines 7 to 12.

Accordingly, it is respectfully submitted that the present claims sufficiently "set forth and circumscribe a particular subject matter with a reasonable degree of clarity and precision," which is all that is required under 35 U.S.C. § 112, second paragraph.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 12 to 15, 17 to 20, 22, 24, and 25 Under 35 U.S.C. § 103(a)

Claims 12 to 15, 17 to 20, 22, 24, and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 4,965,833 (“McGregor et al.”), U.S. Patent No. 3,755,625 (“Maston”), and U.S. Patent No. 6,424,720 (“Thomas et al.”). It is respectfully submitted that the combination of McGregor et al., Maston, and Thomas et al. does not render unpatentable the presently pending claims for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). Further, the Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. M.P.E.P. § 2143.

Claim 12 relates to a communications device for transmitting acoustic signals in a motor vehicle, including, *inter alia*, the features of *a control unit assigned at least one control element configured to weight signal levels of at least one transmitter device to one of selectively attenuate and selectively amplify the signal level of each transmitter device in accordance with a respective weighting factor based on the weight, the control unit configured to activate only a transmitter device having a highest weighted signal level*.

The combination of McGregor et al., Maston, and Thomas et al. does not disclose, or even suggest, all of the claimed features of claim 12. Indeed, the Office Action at page 4 admits that “McGregor fails to disclose that the signal level of at least one transmitter is weighted by means of the control element and that the signal level at the transmitters can be measured by means of the control element and only the transmitter with the highest signal level is activated.” Thus, McGregor et al. does not disclose, or even suggest, the features of *a control unit assigned at least one control element configured to weight signal levels of at least one transmitter device to one of selectively attenuate and selectively amplify the signal*

level of each transmitter device in accordance with a respective weighting factor based on the weight, the control unit configured to activate only a transmitter device having a highest weighted signal level.

In addition, Maston merely describes “an automated voice-operated switching arrangement that selects the microphone with the greatest input.” Co. 2, lines 13 to 15. Indeed, the Office Action at page 5 admits that “McGregor as modified [by Maston] fails to disclose that the control unit attenuates or amplifies the signal level of each transmitter device in accordance with a respective weighting factor based on the weight.” As a result, since Maston does not disclose any weighting of signal levels, Maston also does not disclose activating only a transmitter device having **a highest weighted signal level**. Thus, Maston does not disclose, or even suggest, the features of *a control unit assigned at least one control element configured to weight signal levels of at least one transmitter device to one of selectively attenuate and selectively amplify the signal level of each transmitter device in accordance with a respective weighting factor based on the weight, the control unit configured to activate only a transmitter device having a highest weighted signal level.*

Further, Thomas et al. merely describes transmitting “a **linear combination** of the weighted microphone signals” to “reduc[e] multi-channel acoustic echo and adapt[] sound to space.” Col. 1, lines 50 to 52; and col. 3, lines 1 to 4. Thus, since Thomas et al. merely transmits a linear combination of signals, Thomas et al. does not disclose, or even suggest, the feature of *a control unit configured to activate only a transmitter device having a highest weighted signal level*.

Moreover, it is respectfully submitted that there is no motivation or other tenable rationale to combine the disclosures of McGregor et al., Maston, and Thomas et al. In this regard, Thomas et al. states that it seeks to reduce echo “**whilst maintaining interactivity** and ... will guarantee restoration of the auditory perspective ... to enable the remote meeting to be conducted as a natural communication situation.” Col. 1, lines 53 to 58. Thus, since Thomas et al. seeks to maintain interactivity and a natural communication situation by transmitting a linear combination of the weighted microphone signals, one of ordinary skill in the art would not be motivated to modify Thomas et al. to activate only a single transmitter device having a highest weighted signal level because such a modification of Thomas et al.

would be directly contrary to its stated objectives of maintaining interactivity and a natural communication situation. See col. 3, lines 3 to 4. Therefore, there is no motivation or other tenable rationale to combine the disclosures of McGregor et al., Maston, and Thomas et al.

Accordingly, it is respectfully submitted that the combination of McGregor et al., Maston, and Thomas et al. does not disclose, or even suggest, all of the features included in claim 12. Therefore, it is respectfully submitted that the combination of McGregor et al., Maston, and Thomas et al. does not render unpatentable the presently pending claims for at least the foregoing reasons.

Thus, as for claims 13 to 15, 17 to 20, and 24, which depend from claim 12 and therefore include all of the features included in claim 12, it is respectfully submitted that the combination of McGregor et al., Maston, and Thomas et al. does not render unpatentable these dependent claims for at least the reasons more fully set forth above.

Claim 22 includes features analogous to those included in claim 12. As such, it is respectfully submitted that claim 22 is allowable for at least the same reasons provided above.

Thus, as for claim 25, which depends from claim 22 and therefore includes all of the features included in claim 22, it is respectfully submitted that the combination of McGregor et al., Maston, and Thomas et al. does not render unpatentable this dependent claim for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claim 16 Under 35 U.S.C. § 103(a)

Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of McGregor et al., Maston, Thomas et al., and U.S. Patent No. 4,449,238 ("Lee et al."). It is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Lee et al. does not render unpatentable the present claim for at least the following reasons.

Claim 16 depends from claim 12. As more fully set forth above, the combination of McGregor et al., Maston, and Thomas et al. does not disclose, or even suggest, all of the features included in claim 12. Lee et al. also does not

disclose, or even suggest, all of the features included in claim 12, and thus, fails to cure this critical deficiency.

Accordingly, it is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Lee et al. does not disclose, or even suggest, all of the features included in claim 12, from which claim 16 depends. As such, it is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Lee et al. does not render unpatentable claim 16, which depends from claim 12.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claims 21 and 23 Under 35 U.S.C. § 103(a)

Claims 21 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of McGregor et al., Maston, Thomas et al., and Japanese Patent Publication No. 10-032898 ("Yoshioka"). It is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Yoshioka does not render unpatentable the present claims for at least the following reasons.

Claims 21 and 23 depend from claim 12. As more fully set forth above, the combination of McGregor et al., Maston, and Thomas et al. does not disclose, or even suggest, all of the features included in claim 12. Yoshioka also does not disclose, or even suggest, all of the features included in claim 12, and thus, fails to cure this critical deficiency.

Accordingly, it is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Yoshioka does not disclose, or even suggest, all of the features included in claim 12, from which claims 21 and 23 depend. As such, it is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Yoshioka does not render unpatentable claims 21 and 23, which depend from claim 12.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: December 9, 2010

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